

Serial No.: 09/859,706

- 4 -

Art Unit: 3673

Amendments to the Drawings

Please replace Fig(s). 1-9, contained in drawing sheet(s) 1-6 with the attached replacement figure(s).

REMARKS

Claims 1-3, 5-18, 20-31, 33, 36-47, 49-58 were previously pending in this application. By this amendment, Applicant is canceling claims 18, 22, 23, 24, 30, 31, 33, 39, 42, 46, 54 and 57 without prejudice or disclaimer. Claims 1, 20, 26, 50, 52, 53, and 58 have been amended. As a result claims 1-3, 5-17, 20, 21, 25-29, 36-38, 40, 41, 44, 45, 47, 49, 50-53, 55, 56 and 58 are pending for examination with claims 1, 20, 27, 44, 45, 47, 49, 51, 56 and 58 being independent claims. No new matter has been added.

Information Disclosure Statement

The Office Action noted that certain references listed on the PTO-1449 form as filed with the IDS submitted on May 2, 2005, were identified incorrectly or had already been cited by the Examiner. Accordingly, the Applicant submits herewith the IDS submitted on May 2, 2005, with the corrected 1449 form to correct the listing of the one reference number that had a number transposed.

Allowable Subject Matter

The Office Action has indicated that claims 27-28, 44, 47, 49, 51 and 56 are allowed.

In addition, the Office Action has indicated that claims 3, 14, 39, 58 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, as set forth in the Office Action and to include all the limitations of the base claim and any intervening claims. Applicants have amended independent claim 1 to incorporate dependent claim 39, which has been indicated to be allowable. Claims 3 and 14, depend from now amended claim 1 and therefore are also in condition for allowance.

Claim 58 has been amended to change the “inflatable bladder” to “the bladder”, which refers to the bladder earlier recited in the claim. Accordingly, claim 58 is now definite and in condition for allowance.

Claims 18 and 42 have been indicated to be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph and the claim objections set forth in the Office Action. Without prejudice or disclaimer, these claims have been canceled and this rejection is now moot.

Claim 45 has been indicated to be allowable if rewritten or amended to overcome the claim objection as set forth in the Office Action. As discussed herein, claim 45 is supported by the specification. For example, page 8, lines 13-18 of the specification discloses an adjustment device 100 that can be in mechanical communication with the fluid controller 80 to operate on a valve assembly of the fluid controller. Accordingly, claim 45 is supported by the specification and is therefore in condition for allowance.

Claim 46 has also been indicated to be allowable if rewritten to overcome the claim objection. Without prejudice or disclaimer, claim 46 has been deleted and therefore this rejection is now moot.

Claim 24 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten into independent form including all the limitations of the base claim and any intervening claims. Claim 20 was amended to include the limitations of claims 22, 23 and 24, from which claim 24 depended. Accordingly, claim 20 is now in condition for allowance. Claims 22, 23 and 24 have been canceled since the subject matter of these claims has now been incorporated into claim 20. In addition, claims 25 and 26 have been amended to depend from claim 20, since they previously depended from now canceled claim 22.

The Office Action also indicated that the allowability of claims 1-3, 5-26, 36-43, 45, 46, 48-50, 52-55, 57, and 58 in the Final Office Action mailed on December 3, 2004 has been withdrawn in view of a second embodiment of the reference to Chung (US Patent No. 6,332,760), which the Office Action states, "it is believed was never applied by the previous Examiner (i.e., the previous Examiner only applied the first embodiment of the Chung reference to the claims as is evidenced by her reference to pump (20) and no reference to pump (30) as disclosed in a second embodiment)." The Applicant respectfully disagrees with this characterization. For example, Applicant points the Examiner to the response filed by the Applicant on May 30, 2004, which deals with each of the first embodiment and the second embodiment of the Chung reference. Therefore, the Applicant has already traversed each embodiment of the Chung reference with his prior responses. Nevertheless, in order to expedite the prosecution of this application, Applicant has proceeded to accept the allowed claims as indicated by the Examiner and to cancel the claims rejected in view of the Chung reference. The Applicant reserves the right to file a continuation application claiming the subject matter previously indicated to be allowable in view of the Chung reference.

Drawings

The Office Action objects to the drawings as failing to comply with 37 CFR 1.84 (p)(4) because reference character “90” has been used to indicate both the housing “90” connected to the flange “82” as shown in FIG. 3 and the housing or covering around the motor (84), impeller (86), conduit (88), solenoid (104), etc. as shown in FIG. 5. Applicant has deleted reference character 90 from FIGS. 3 and 4 of the enclosed annotated drawings so as to eliminate any confusion. It is clear from the specification that the reference character 90 refers to the housing 90 that surrounds the inner workings of the pump 81, such as the motor (84), impeller (86), conduit (88), solenoid (104), etc., and can also serve as a connection between the fluid controller 80 and the bladder 20. Accordingly, withdrawal of this objection is respectfully requested.

The Office Action also objected to the drawings asserting that the reference numerals “83” and “90” have both been used to designate “fluid impermeable wall” (see FIG. 5) and “housing” (see FIG. 3). As noted above, FIGS. 3 and 4 have been amended to eliminate to reference character “90” from these figures, as the fluid impermeable wall is designated by the reference number 83 in FIG. 5. Accordingly, the drawings have been corrected and withdrawal of this objection is respectfully requested.

Objections to the Specification

The Office Action objected to the disclosure for a number of informalities. Pages 2-3 of this response provide amendments to the specification which incorporate the suggested changes to the specification and therefore overcome the objection to the various informalities. Accordingly, withdrawal of this objection is respectfully requested.

Claim Objections

The Office Action objected to claims 50 and 52-54 as being improper dependent form for failure to further the limit of the subject matter of a previous claim. The Applicant respectfully traverses this rejection. Each of these claims recites that the bladder forms a mattress, which is further limiting the type of bladder as claimed in claim 1, 20, 27 and 30. However, to expedite prosecution of this application, the Applicant has canceled claim 54 and has amended claims 50 and 52-53 to further recite that the bladder is shaped and sized so as to form a mattress. Each of

these claims further limits the bladder of the claims from which they depend, and therefore withdrawal of this rejection is respectfully requested.

The Office Action also objected to claim 18 asserting that the word “stem” is not properly supported by the specification. The Office Action does mention that there is support in the application as filed for “a stem” and just amending the specification. For the sake of moving this application forward, Applicant has deleted claim 18 and therefore this rejection is now moot.

The Office Action also objected to claims 42 and 46 asserting that the claim limitation that “the fluid controller is configured to permit air to exit the bladder at a user selectable rate”, as claimed in claims 42 and 46, is not supported in the specification. The Applicant respectfully disagrees with this assertion, but for the sake of expediting prosecution of this application the Applicant has deleted claims 42 and 46. Accordingly, this rejection is now moot and withdrawal of the rejection is respectfully requested.

The Office Action also objected to claims 45 and 46 asserting that the recitation of “a user interface mechanically coupled to the valve, the user interface being adapted to permit a user to mechanically manipulate the valve” as claimed in claim 45, is not supported by the specification. Applicant has canceled claim 46 and this rejection is now moot. However, the Applicant respectfully disagrees and traverses this rejection with respect to claim 45. The Applicant points the Examiner to, for example, page 8, lines 13-18 of the application as filed. In particular, the specification makes it clear that an adjustment device 100 can be in mechanical communication with the fluid controller 80 to operate on a valve of the fluid controller. Accordingly, claim 45 is supported by the specification and withdrawal of this objection is respectfully requested.

Rejections under 35 USC §112

The Office Action also objected to claims 1-3, 5-18, 29-31, 33, 36-43, 50, 54, 55, 57 and 58 as being indefinite. Particularly, with respect to claim 1, the Office Action asserts that line 3-7 recite “a fluid controller comprising an electrically powered pump, the pump being disposed at least partially within a profile of the bladder, and the fluid controller being coupled to the inflatable bladder in a position, and in the position the fluid controller being adapted to permit air to exit the bladder through the fluid controller and to be provided to the bladder through the fluid controller.” The Office Action also asserts that the pump is not given a reference numeral so that

it can clearly be identified where there is a difference between the fluid controller (80) and the pump. The Office Action asks are the fluid controller and the pump the same thing or is there a difference between the fluid controller and the pump. The Office Action asserts that claims 1 and 30 are confusing because each states that the fluid controller comprises an electrically powered pump which intimates that the fluid controller is more than just a pump, but then the claim recites that the pump is disposed at least partially within the profile of the bladder and the fluid controller is coupled to the bladder. The Office Action asserts that clarification is required.

The Applicant would like to point out that the fluid controller as claimed in claims 1 and 30, and as disclosed in the specification comprises more than just the pump. For example, as is disclosed in the specification, on page 5, lines 1-9 and lines 22-25, the fluid controller 80 includes a pump with a motor 84, an impeller 86, to draw fluid into or out of the bladder 20 through a conduit 88. In addition, the fluid controller includes a housing 90 that surrounds the above-described inner workings of the pump and which also may provide a connection between the fluid controller 80 and the bladder 20. The fluid controller can also include, for example, the adjustment device 100 as well as the line cord for providing power to the fluid controller. Accordingly, for the sake of further clarifying the specification, Applicant has provided annotated drawings showing that the fluid controller 80 is generally an overall combination of the housing 90 that surrounds the inner workings of the pump, the valve assembly and the line cord. The Applicant has also now labeled the pump 81 in FIG. 5 and updated the specification to include the reference number 81. Accordingly, claims 1 and 30 are clear. In particular, claims 1 and 30 recite that the pump is disposed at least partially within the profile of the bladder, and not necessarily the entire fluid controller. Accordingly, withdrawal of this rejection with respect to claims 1 and 30 is respectfully requested.

As to claims 5, 6, 8, 9, and 26, the Office Action asserts that they all recite a "housing" which is confusing because the specification and drawings are not clear as to what constitutes the housing (i.e., is it the structure connected to the flange (82) as shown in FIG. 3 or is it the structure surrounding the motor (84), impeller (86), conduit (88), solenoid (104), etc. as shown in FIG. 5?). As has been discussed above, the housing 90 surrounds, for example, the motor, the impeller, the conduit, the solenoid, etc. as shown in FIG. 5 and any reference to the housing 90 in FIGS. 3 and 4 have been deleted. Thus, the drawings have been corrected and the claims are

clear as to what is a housing as is claimed in these claims. Accordingly withdrawal of this rejection is respectfully requested.

With respect to claim 10, the Office Action asserts that “a remainder of the fluid controller is constructed and arranged to be removable from the flange” is confusing because it is not understood what “a remainder of the fluid controller” is referring to. As has been discussed above, the fluid controller comprises more than just the pump or the housing, and in the recited claims comprises a flange impermeably connected to the bladder and a fluid impermeable wall that connects to a housing of the fluid controller, with the flange being in contact with the housing at an outlet of the housing, wherein the remainder of the fluid controller aside from the flange and the fluid impermeable wall is removable from the flange and thus from the fluid impermeable bladder. Accordingly, claim 10 is clear and withdrawal of this rejection is respectfully requested.

As to claim 58, the Office Action asserts that “the inflatable bladder” is confusing because there is no antecedent basis for the term “inflatable bladder.” Applicant has amended claim 58 to remove the term “inflatable” from the claim to make it clearer that the instances of the bladder as now recited in the claim refer back to the substantially fluid-impermeable bladder as recited in the first element of the claim. Accordingly, claim 58 is now definite and withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 1, 2, 5-14, 16, 17, 20, 22, 23, 25, 29-31, 33, 36-38, 40, 41, 43, 50, 52, 54, 55 and 57 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,332,760 to Chung (hereinafter Chung).

With respect to independent claim 1, as has been discussed above, Applicant has amended independent claim 1 to incorporate the subject matter of allowable dependent claim 39. Accordingly, this rejection is now moot and withdrawal of this rejection is respectfully requested.

With respect to independent claim 20, as has been discussed above, Applicant has amended independent claim 20 to incorporate the subject matter of dependent claims 22-24, including allowed dependent claim 24. Accordingly, this rejection is now moot and withdrawal of this rejection is respectfully requested.

With respect to independent claim 30, for the sake of expediting prosecution of this matter, Applicant has deleted independent claim 30 and dependent claims 31, 33, 54 and 57. Accordingly, this rejection is now moot and withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. §103

The Office Action rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over Chung U.S. Patent No. 6,332,760.

Claim 15 depends indirectly from independent claim 1, which as has been discussed above, has been amended to incorporate allowable independent claim 39. Thus, claim 15 is allowable for at least the same reason as independent claim 1.

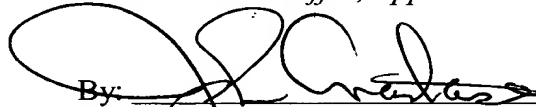
Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,
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Date: December 7, 2005

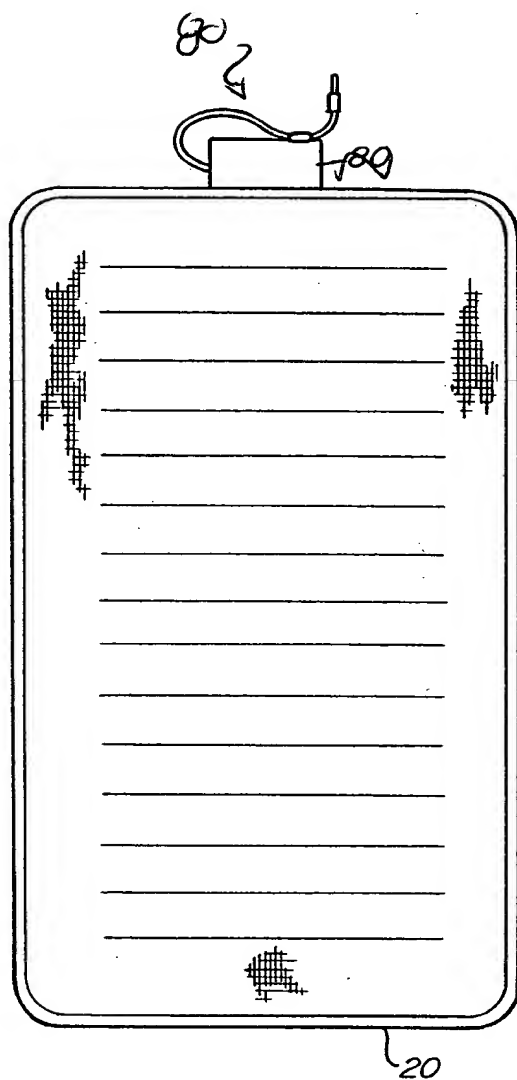


Fig. 1
(PRIOR ART)

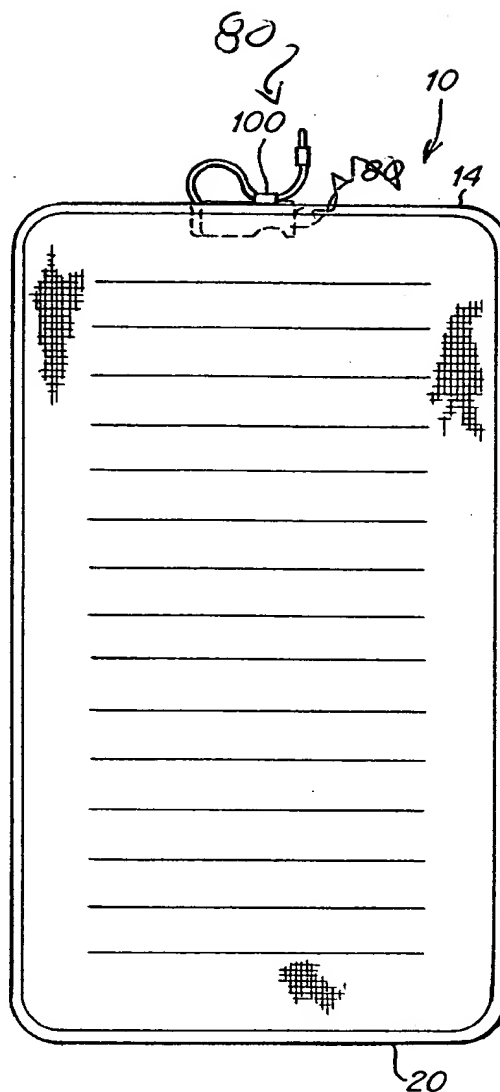


Fig. 2

2/6

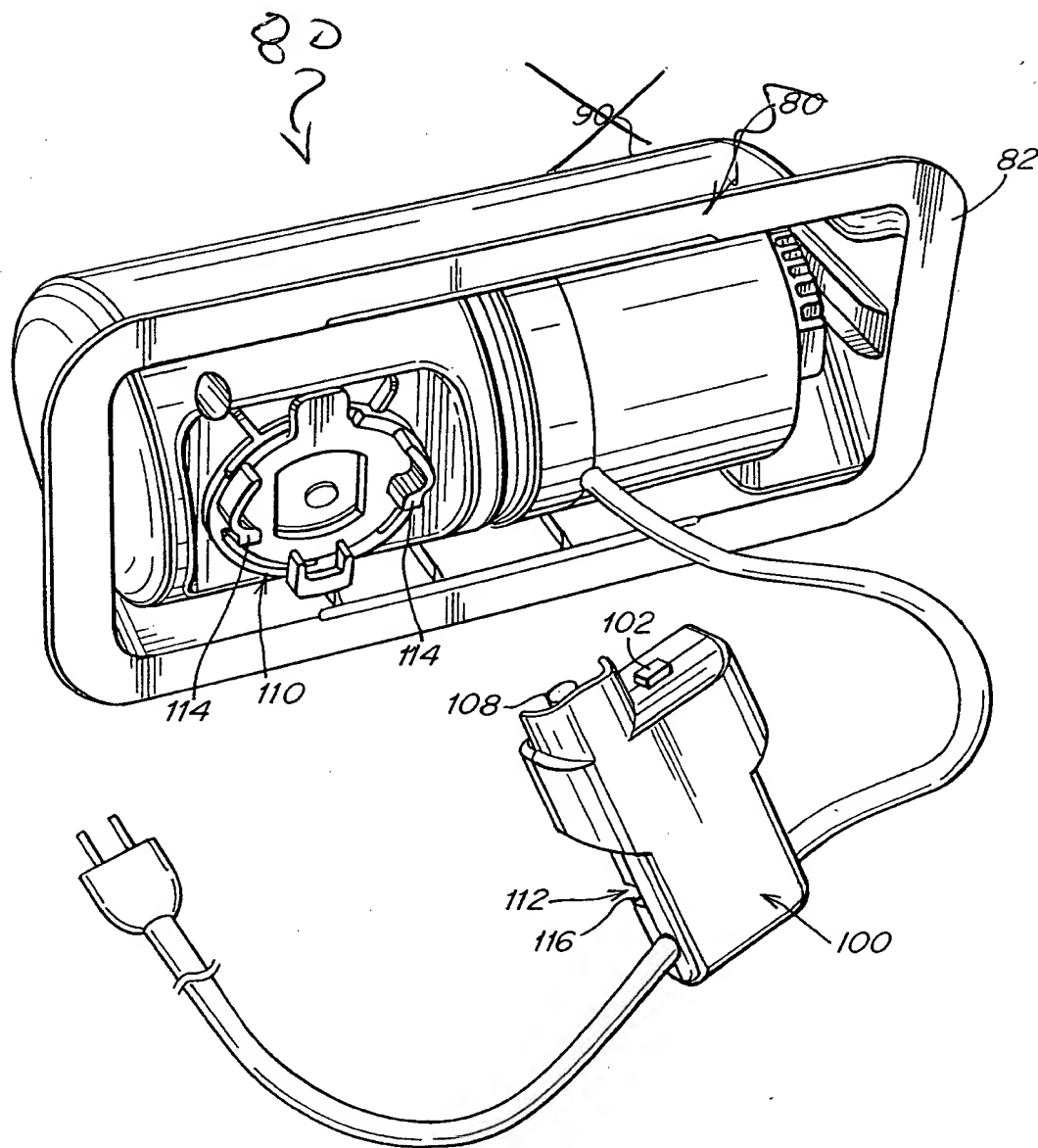


Fig. 3

3/6

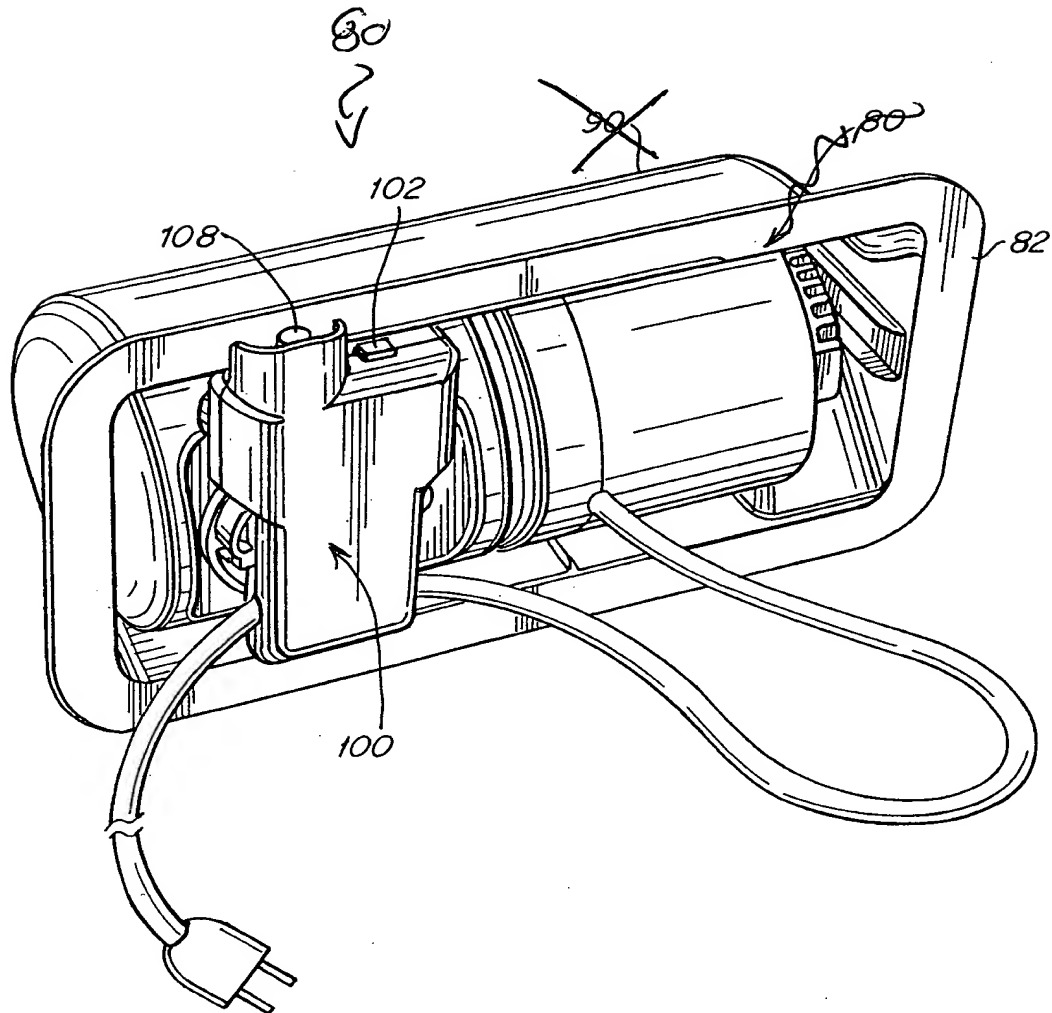


Fig. 4

4/6

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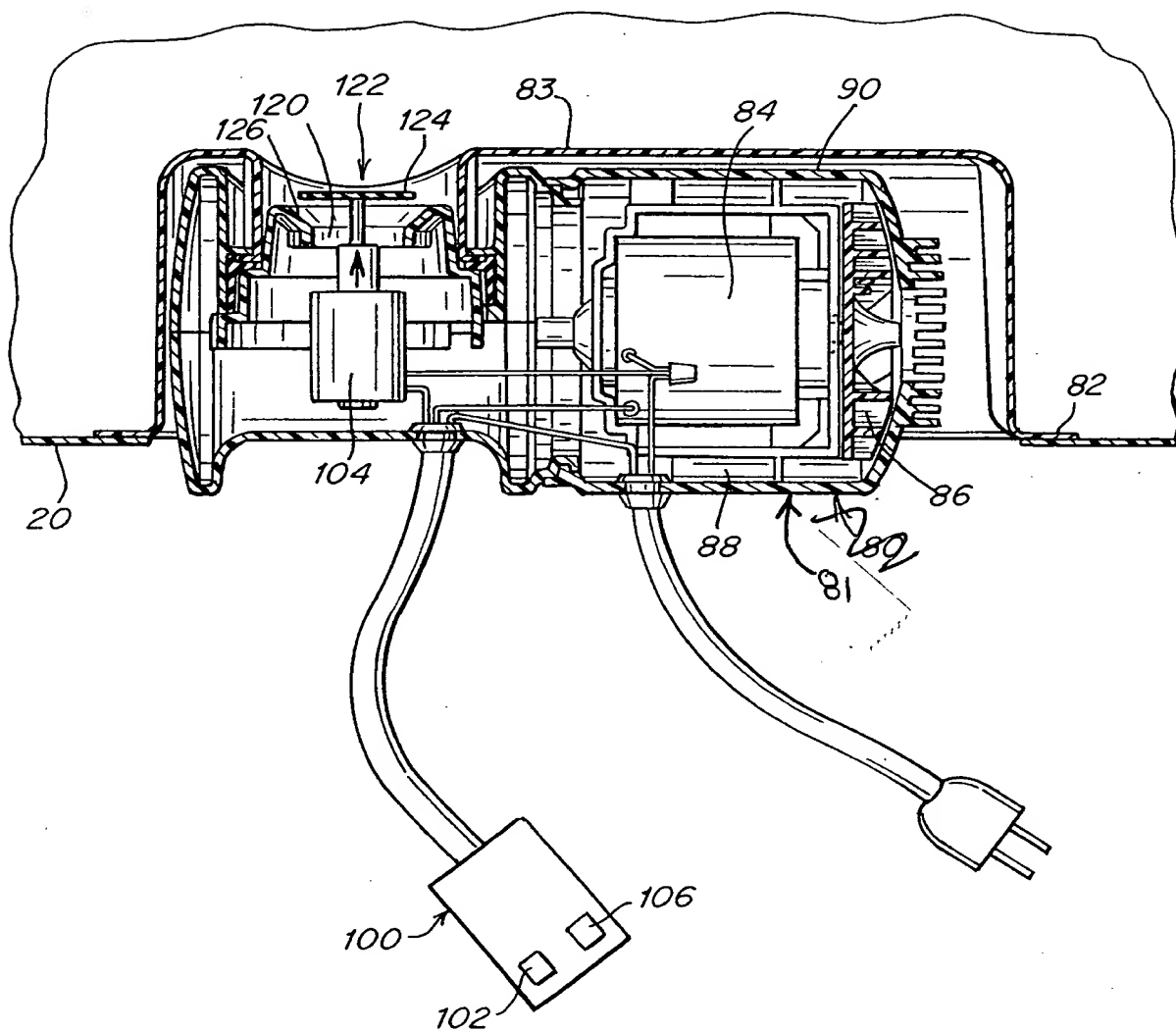


Fig. 5

5/6

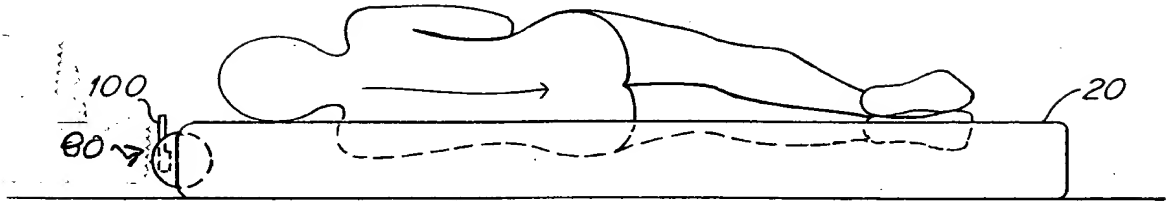


Fig. 6

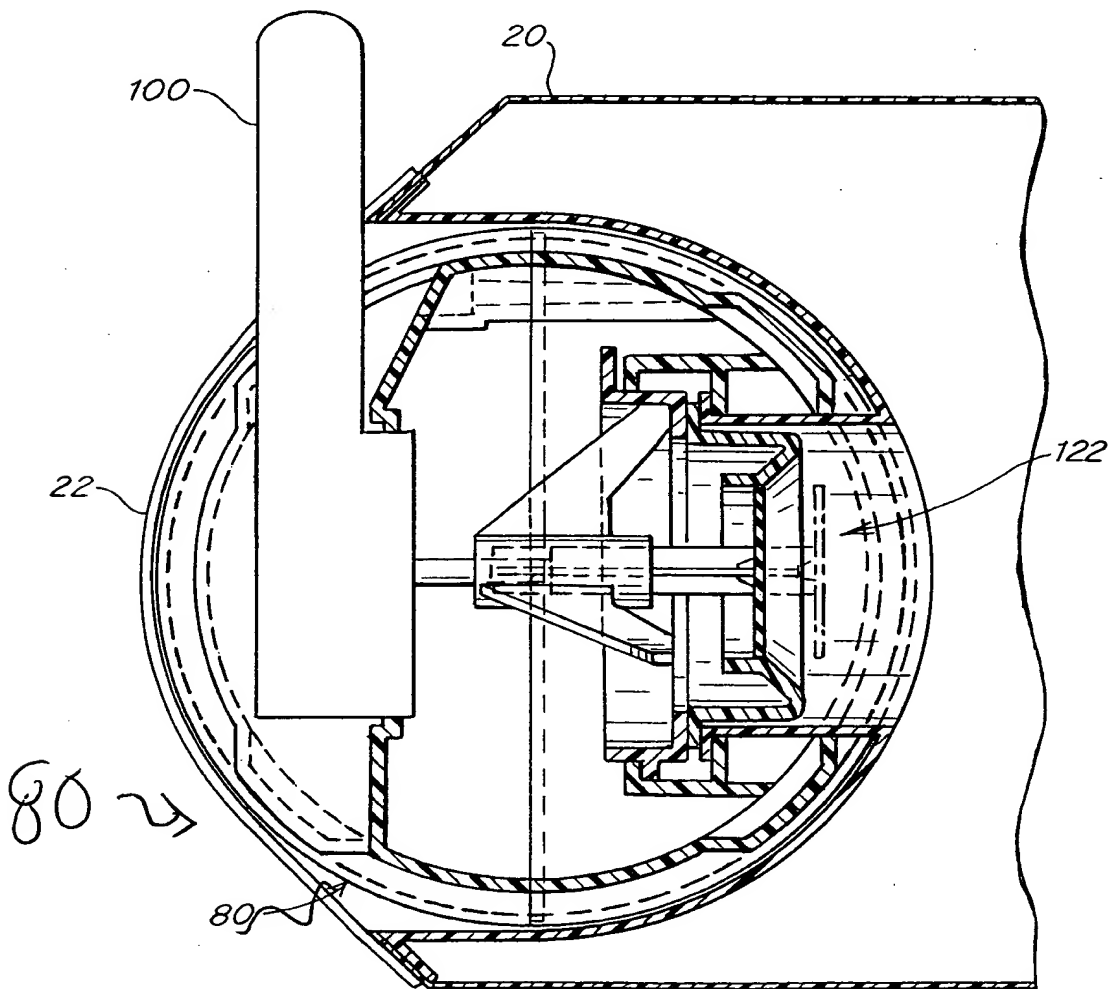


Fig. 7

6/6

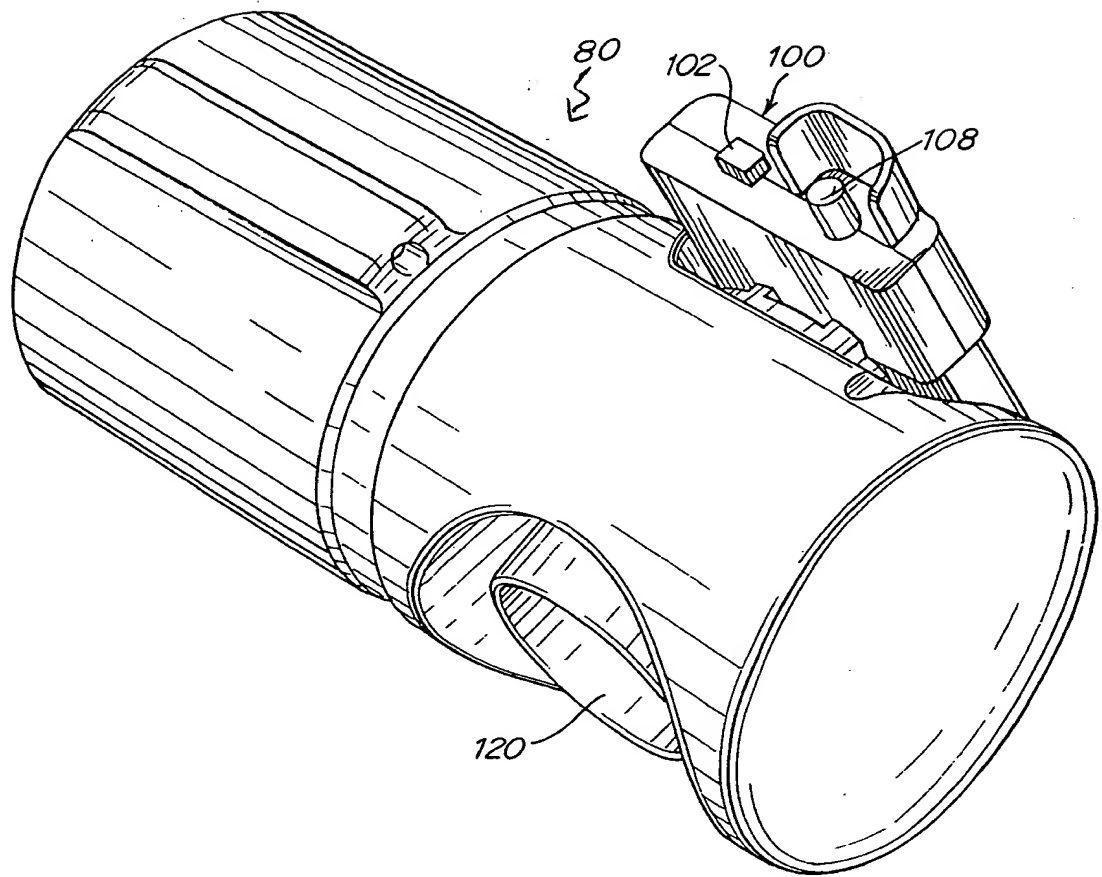


Fig. 8

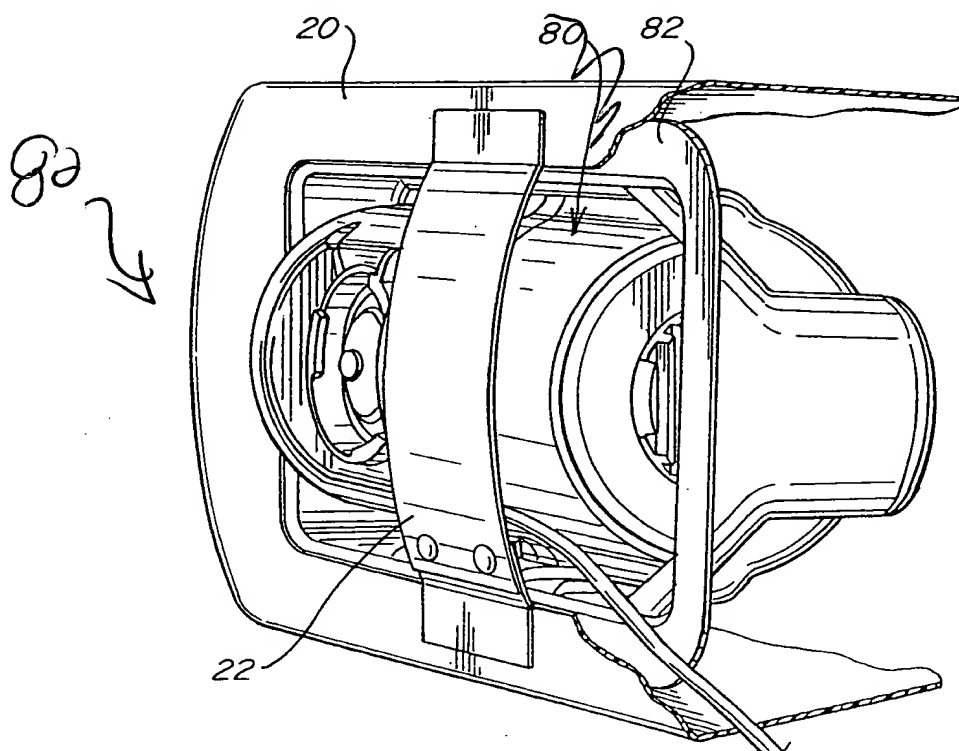


Fig. 9